



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation on May 18, 2004

NOTICE OF ACTION TAKEN -- DOCKET OST 2001-8772

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Joint Applicants: DELTA AIR LINES, INC., and EL AL ISRAEL AIRLINES, LTD.

Date Filed: April 23, 2004

Relief requested: Exemption from 49 USC section 41301 to permit El Al to conduct scheduled foreign air transportation of persons, property and mail, between a point or points in Israel and Denver, Colorado, via New York, New York (the Denver-New York segment to be conducted by code-share with a U.S. air carrier); and a Statement of Authorization under 14 CFR Part 212 to permit Delta to carry the code of El Al on Delta's scheduled flights between New York and Denver.

If renewal, date and citation of last action: The exemption and Statement of Authorization are new authority.

Applicant representative: Robert E. Cohen (for Delta), 202-663-8060 and John E. Gillick (for El Al), 202-775-9800

DOT analyst: Allen Brown, 202-366-2405

Responsive pleadings: None.

DISPOSITION

Action: Approved

Action date: May 18, 2004

Effective dates of authority granted: May 18, 2004, through May 18, 2005.

Basis for approval: Protocol Relating to and Amending the Air Transport Agreement between the United States of America and the Government of the State of Israel of June 13, 1950, as amended, signed July 11, 2001 (Protocol).

Except to the extent exempted/waived, the exemption authority is subject to the terms, conditions, and limitations of our standard exemption conditions, and the Statement of Authorization is subject to the code-share conditions detailed in the Notice of Action Taken on July 11, 2003, in this Docket. Moreover, the authority granted is subject to the terms, limitations and conditions of the U.S.-Israel Protocol.

Special conditions/Remarks: We note that El Al requested the exemption for a period of two years. We, however, as is our usual practice in conferring exemption authority in the circumstances presented, are limiting the duration to one year.

Action taken by: Paul L. Gretch, Director
Office of International Aviation

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted/deferred/dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*